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THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:-15-02-2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K. SAMPATHKUMAR

Habeas Corpus Petition No. 81 of 2006

S. Kathiresan. .. Petitioner.

Vs.

1. State
represented by the Station House Officer,
All Women Police Station,
Kallakurichi, Villupuram District.

2. Smt. Rajam.

3. V. Rajarathinam. .. Respondents.

Habeas Corpus Petition filed under Article 226 of the Constitution of India for issuance of direction to the first respondent to produce his wife by name S.V. Girija @ Meenatshi and his son namely Santhosh born on 28-06-2005 from the illegal custody of the 2nd and 3rd respondents herein.

Mr. C.S. Dhanasekaran:- For petitioner.

Mr. Abudukumar Rajarathinam, Govt., Advocate (Crl. side):- For 1st respondent.

Mr. M.N. Balakrishnan:- For Respondents 2 and 3.

ORDER

(Order of Court was made by P. Sathasivam, J.,)

The petitioner S. Kathiresan has filed this petition to issue direction to the first respondent to produce his wife by name S.V. Girija @ Meenatshi and his son namely Santhosh born on 28-6-2005 from the illegal custody of second and third respondents herein.

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2. Pursuant to the direction of this Court, the petitioner's wife by name S.V. Girija @ Meenatshi appeared before us along with her minor son. After hearing her, we summoned the parents of both the petitioner and the detenu. They also appeared before us. We enquired all of them. Though the dispute seems to be domestic in nature regarding return of jewels, in spite of the efforts, we are unable to convince the petitioner and his wife as well as their parents. It is relevant to note that the petitioner himself filed H.M.O.P.No. 572/2005 on the file of Family Judge, Coimbatore for restitution of conjugal rights and it is also brought to our notice that a decree has been passed as prayed for by the petitioner. It is also brought to our notice that his wife S.V. Girija who is presently residing with her parents, also filed a Maintenance Case before the Judicial Magistrate, Kallakurichi and according to the counsel, the same is pending. In the light of the proceedings initiated by the petitioner and his wife and of the assertion of the wife that she is not in illegal detention with any one including the second respondent, we are of the view that no further adjudication is required in this petition; accordingly this petition is closed. Both parties are at liberty to pursue their remedy before the appropriate forum.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

R.B.

To:-

1. The Station House Officer,
   All Women Police Station,
   Kallakurichi, Villupuram District.

2.The Public Prosecutor,
High Court, Madras -104.

+1cc to Mr.C.S.Dhanasekaran, Advocate Sr 6831

TJL (CO)
km/21.2.

H.C.P.No. 81 of 2006

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